

## Child Abuse and Neglect

# STATUTES

## A T - A - G L A N C E

### Reporting Penalties

Many cases of child abuse or neglect are neither reported nor investigated, even when suspected by professionals. Therefore, almost every State imposes penalties, in the form of a fine or imprisonment, on those who *knowingly* and/or *willfully* fail to report. Also, in order to prevent malicious or intentional reporting of cases that are not founded, several States impose additional penalties for false reports of child abuse or neglect.

#### Penalties for Failure to Report

Approximately<sup>1</sup> 44 States and the District of Columbia have enacted statutes specifying the penalties for failure to report child abuse or neglect. Of these jurisdictions, approximately 33 States and the District of Columbia use a “knowingly,” “knows or should have known,” and/or “willfully” standard. Other standards include “intentionally” and “purposely.” A few States impose penalties without providing a standard. Failure to report is classified as a misdemeanor in approximately 34 States.

#### Penalties for False Reports

Approximately 31 States have statutes specifying penalties for false reports of child abuse or neglect. The most common standards are “knowingly” and/or “willfully.” The penalties imposed are similar to those for failure to report. The majority of States classify false reporting as a misdemeanor. In nine States, however, a false report may be classified as a felony under specific circumstances.

The chart presented on the following pages summarizes reporting penalties for each State and the District of Columbia.

This summary is a product of the **Child Abuse and Neglect State Statutes Series**, which is produced by the National Clearinghouse on Child Abuse and Neglect Information. The Clearinghouse is a service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

The *Statutes-at-a-Glance* series highlights specific topics from the Child Abuse and Neglect State Statutes Compendium of Laws, presented in a table format to provide quick comparisons of statutory provisions across the States. The Compendium is a compilation of State laws on different topics related to child maltreatment reporting laws, central registries, permanency planning, and domestic violence.

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We welcome your comments and suggestions about this publication.



<sup>1</sup> The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

STATE/STATUTE	FAILURE TO REPORT		FALSE REPORTING	
	Standard	Penalty	Standard	Penalty
<b>ALABAMA</b> §§ 26-14-13 13A-10-9	Knowingly	Misdemeanor: Imprisonment not exceeding 6 months or a fine not exceeding \$500	Knowingly	Class A misdemeanor
<b>ALASKA</b> § 47.17.068	Knew or should have known	Class B misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>ARIZONA</b> §§ 13-3620(K) 13-3620.01(A)-(B)	Not specified	Class 1 misdemeanor	Knowingly and intentionally; with malice	Class 1 misdemeanor
<b>ARKANSAS</b> § 12-12-504(a), (b), (d)	Willfully;  Negligently	Class C misdemeanor  Civily liable for damages proximately caused	Willfully	Class A misdemeanor  Class D felony, when there is a prior conviction
<b>CALIFORNIA</b> Penal §§ 11166(b) 11172(a)	Knows or reasonably suspects	Misdemeanor: Confinement in county jail not exceeding 6 months and/or a fine not exceeding \$1,000	Reckless disregard of truth; knowingly	Liable for damages proximately caused
<b>COLORADO</b> § 19-3-304(3.5),(4)	Willfully	Class 3 misdemeanor; Liable for damages	Knowingly	Class 3 misdemeanor; Liable for damages
<b>CONNECTICUT</b> §§ 17a-101a 17a-101e(c)	Not specified	A fine not exceeding \$500	Knowingly	A fine not exceeding \$2,000 and/or imprisonment for not more than 1 year
<b>DELAWARE</b> Tit. 16, § 914	Knowingly or willfully	A fine not exceeding \$1000 and/or imprisonment not exceeding 15 days	Knowingly and willfully	A fine not exceeding \$1000 and/or imprisonment not exceeding 15 days
<b>DISTRICT OF COLUMBIA</b> § 4-1321.07	Willfully	A fine not exceeding \$100 and/or imprisonment not exceeding 30 days	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>FLORIDA</b> §§ 39.205(1)-(2), (6) 39.206(1)	Knowingly or willfully	Misdemeanor of first degree	Knowingly and willfully	Felony of third degree; Possible fine not exceeding \$10,000
<b>GEORGIA</b> § 19-7-5(h)	Knowingly or willfully	Misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>HAWAII</b> § 350-1.2	Knowingly	Petty misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed

STATE/STATUTE	FAILURE TO REPORT		FALSE REPORTING	
	Standard	Penalty	Standard	Penalty
<b>IDAHO</b> §§ 16-1619(d) 16-1620A	Not specified	Misdemeanor	Knowingly; in bad faith or with malice	Liable for damages sustained or statutory damages of \$500, whichever is greater, plus attorney's fees and costs
<b>ILLINOIS</b> ch. 325, para. 5/4 ch. 325, para. 5/4.02	Knowingly and willfully  Willfully	Class A misdemeanor  Physician: referred to Illinois State Medical Disciplinary Board <sup>2</sup>	Knowingly	Class 4 felony
<b>INDIANA</b> §§ 31-33-22-1 31-33-22-3(a)-(b)	Knowingly  Knowingly	Class B misdemeanor  Staff member of a medical or other institution, school, facility, or agency: Class B misdemeanor penalty imposed in addition to above	Intentionally	Class A misdemeanor: Liable for actual damages and possibly punitive damages  Class D felony if there is a prior conviction
<b>IOWA</b> § 232.75	Knowingly and willfully  Knowingly	Simple misdemeanor  Civily liable for damages proximately caused	Knowingly	Simple misdemeanor
<b>KANSAS</b> § 38-1522(f),(g)	Knowingly and willfully	Class B misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>KENTUCKY</b> § § 620.990(1) 620.050(1)	Intentionally	Class B misdemeanor	Knowingly; with malice	Class A misdemeanor
<b>LOUISIANA</b> La. Children's Code Ann. art. 609(A)(2),(C)	Not specified	Subject to criminal prosecution	Knowingly	Subject to criminal prosecution
<b>MAINE</b> Tit. 22, § 4014(1)	Not addressed in statutes reviewed	Not addressed in statutes reviewed	Knowingly	Subject to criminal or civil action
<b>MASSACHUSETTS</b> ch. 119, § 51A	Not specified	A fine not exceeding \$1,000	Knowingly	A fine not exceeding \$1,000

<sup>2</sup> Dentist or dental hygienist: Referred to Department of Professional Regulation

STATE/STATUTE	FAILURE TO REPORT		FALSE REPORTING	
	Standard	Penalty	Standard	Penalty
<b>MICHIGAN</b> § 722.633(1),(2),(5)	Knowingly	Misdemeanor: Imprisonment not exceeding 93 days and/or a fine not exceeding \$100; Civilly liable for damages proximately caused	Knowingly; intentionally	Misdemeanor if the abuse reported would be a misdemeanor if true: Imprisonment of not more than 93 days and/or a fine of not more than \$100  Felony if the abuse reported would be a felony if true: Imprisonment of not more than 4 years and/or a fine of not more than \$2,000
<b>MINNESOTA</b> § 626.556 Subd. 5, 6	Knows or has reason to believe  Knows or reasonably should know	Mandatory reporter: Misdemeanor  Parent, guardian, or caretaker: – gross misdemeanor if child's health is in serious danger and child suffers great bodily harm due to lack of medical care – felony if child dies Imprisonment not exceeding 2 years and/or fine not exceeding \$4,000	Knowingly or recklessly	Civilly liable for actual and punitive damages; Responsible for costs and reasonable attorney fees
<b>MISSISSIPPI</b> § 43-21-353(7)	Willfully	Imprisonment not exceeding 1 year and/or a fine not exceeding \$5,000	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>MISSOURI</b> § 210.165(1)-(3)	Not specified	Class A misdemeanor	Intentionally	Class A misdemeanor  Class D felony if previously convicted
<b>MONTANA</b> §§ 41-3-207 41-3-203(1)	Purposely or knowingly	Misdemeanor; Civilly liable for damages proximately caused	Knowingly	Civilly liable for damages
<b>NEBRASKA</b> §§ 28-716 28-717	Willfully	Class 3 misdemeanor	Maliciously	Subject to criminal or civil action
<b>NEVADA</b> § 432B.240	Knowingly or willfully	Misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>NEW HAMPSHIRE</b> § 169-C:39	Knowingly	Misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>NEW JERSEY</b> § 9:6-8.14	Knowingly	Imprisonment not exceeding 6 months	Not addressed in statutes reviewed	Not addressed in statutes reviewed

STATE/STATUTE	FAILURE TO REPORT		FALSE REPORTING	
	Standard	Penalty	Standard	Penalty
<b>NEW MEXICO</b> § 32A-4-3(F)	Not specified	Misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>NEW YORK</b> Soc. Serv. § 420 Penal § 240.50(4)	Willfully  Knowingly and willfully	Class A misdemeanor  Civily liable for damages proximately caused	Knowingly	Class A misdemeanor
<b>NORTH CAROLINA</b>	Not addressed in statutes reviewed	Not addressed in statutes reviewed	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>NORTH DAKOTA</b> § 50-25.1-13	Willfully	Class B misdemeanor	Willfully	Class B misdemeanor  Class A misdemeanor if made to a law enforcement official  Civily liable for damages
<b>OHIO</b> §§ 2151.421(A),(G),(H) 2921.14	Knowledge or suspicion	None specified	Knowingly	Misdemeanor of first degree: Reasonable attorney's fees and costs in any civil action
<b>OKLAHOMA</b> tit. 10, § 7103(C),(D)	Knowingly or willfully	Misdemeanor	Knowingly and willfully	Misdemeanor: A fine not to exceed \$5,000 if made during a child custody proceeding
<b>OREGON</b> § 419B.010(3)	Not specified	Class A violation	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>PENNSYLVANIA</b> 23 PCSA § 6319	Willfully	Summary offense for first violation  Misdemeanor of third degree for second or subsequent violation	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>RHODE ISLAND</b> §§ 40-11-6.1 40-11-3.2	Knowingly	Misdemeanor: A fine not exceeding \$500 and/or imprisonment not exceeding 1 year; Civily liable for damages proximately caused	Knowingly and willingly	Misdemeanor: A fine not exceeding \$1000 and/or imprisonment not exceeding 1 year.
<b>SOUTH CAROLINA</b> §§ 20-7-560 20-7-567	Knowingly	Misdemeanor: A fine not exceeding \$500 and/or imprisonment not exceeding 6 months	Knowingly	Misdemeanor: A fine not exceeding \$5000 and/or imprisonment not exceeding 90 days
<b>SOUTH DAKOTA</b> §§ 26-8A-3 26-8A-6 26-8A-7	Intentionally  Knowingly and intentionally	Class 1 misdemeanor  Staff of hospitals or schools: Class 1 misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed

STATE/STATUTE	FAILURE TO REPORT		FALSE REPORTING	
	Standard	Penalty	Standard	Penalty
<b>TENNESSEE</b> §§ 37-1-412(a) 37-1-413	Knowingly	Class A misdemeanor	Knowingly and maliciously	Class E felony (applies only to sexual abuse reporting)
<b>TEXAS</b> Fam. §§ 261.107(a)-(b) 261.109	Knowingly	Class B misdemeanor If pleads guilty before a court, fine limited to \$50.	Knowingly or intentionally	Class A misdemeanor State jail felony if there is a prior conviction
<b>UTAH</b> § 62A-4a-411	Willfully	Class B misdemeanor	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>VERMONT</b> tit. 33, § 4913(e)	Not specified	A fine not exceeding \$500	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>VIRGINIA</b> §§ 63.1-248.3(B) 63.1-248.5:1.01(A)	Not specified	A fine not exceeding \$500 for first violation  A fine of no less than \$100 nor exceeding \$1,000 for subsequent violations	Knowingly	Class 1 misdemeanor  Class 6 felony if there is a prior conviction
<b>WASHINGTON</b> §§ 26.44.080 26.44.060(4)	Knowingly	Gross misdemeanor	Intentionally and in bad faith or maliciously; knowingly	Misdemeanor
<b>WEST VIRGINIA</b> § 49-6A-8	Knowingly	Misdemeanor: Imprisonment in county jail not exceeding 10 days and/or a fine not exceeding \$100	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>WISCONSIN</b> § 48.981(6)	Intentionally	A fine not exceeding \$1,000; and/or imprisonment not exceeding 6 months	Not addressed in statutes reviewed	Not addressed in statutes reviewed
<b>WYOMING</b>	Not addressed in statutes reviewed	Not addressed in statutes reviewed	Not addressed in statutes reviewed	Not addressed in statutes reviewed